

Fairlee decision only 3/14/06

Mr. Chairman, tonight we are to take up the decision on RZ2003-PR-022, concurrent with SEA82-P-032-5 and 8625-WPFM-001-1. The public hearing on this application was held February 8. In the time since the hearing, the applicant has made changes. As this is a large and complex proposal, I would like to review some of these changes before introducing a motion on the application, if I may.

Staff has assembled a packet of handout material, and I believe everyone has a copy, is that correct?

As I go through the points to be made, I'll refer from time to time to the items in the packet. Various staff members have attended tonight, so that any commission questions can be addressed.

Through testimony at the public hearing and by correspondence, citizens have expressed their views on the proposed development at the Vienna Metro station, called "MetroWest" by the applicants. I thank one and all for the input. This proposal is demonstrably better as a result of citizen efforts.

Reactions to the proposal ran the gamut from vehement opposition to full endorsement. Many people, however, supported the underlying idea of focusing density at mass transit, as has been expressed in policy by the County since the early 1990s. The concerns, comments and suggestions were not necessarily with the basic idea, but with the specific expression of that concept as presented in the MetroWest application. Frequently, both opponents and supporters expressed the same or similar concerns.

As Planning Commissioner, it is my duty to see to it that citizen concerns about proposed developments are considered. I reviewed the videotape testimony and the correspondence I've received. I wrote short phrases summarizing each distinct item, with a coded attribution so that staff could refer to the full text if needed. I grouped related items in categories such as "design" and "transportation". As soon as I had a draft with all the items on hand included, I sent it to staff and to the Supervisor's office. As more items were received during the deferral period, I updated the list whenever I found a new piece of information.

The next step was to sort the list, and combine those items that were closely similar. For example, a key set of concerns was in the area of phasing. At bottom, these items centered on getting better assurance that what was shown by the applicant will be what is built on the site, in terms of the mix of uses. Along with that were concerns that the office and retail be in place as soon as possible, that the grocery would be built with adequate square footage, and a concern that residential space on the site would be available to employees of office building tenants. Many individuals expressed these ideas in one way or another; their items were boiled down from many to a few key things about phasing and square footage. The same was done in other categories.

Then, the condensed list was reviewed with staff, to determine which of the items in it represented issues in the prospective use of this land. Many of the comments and suggestions made by various people were, for various reasons, things that could not be done, or to which a response by the applicant could not be formed, or which were not considered to be achievable, given the extensive proffer package volunteered by the applicant for this proposal. For example, people wanted the retail component or the office built first. As will be seen later, what will be built first on the site is public roadway. Others wanted many offsite athletic fields to be resurfaced by this applicant. Given the cost, and the lack of a nexus with this application, that was beyond what could reasonably be asked in this particular case.

The original list of concerns and comments was in this way reduced to a consolidated set of issue items focused on key aspects of the proposal, such as parks and recreation and stormwater management, as well as the phasing and transportation areas I mentioned earlier. At this point, it was determined either that a given issue was adequately addressed in the proposal, or that more needed to be done on that issue.

The applicant was informed, and further negotiations on the issues were carried out. For example, the issue of phasing was the subject of further work with the applicant.

The outcomes of those negotiations are reflected up to a few days ago in the set of proffers dated March 8, 2006. The proffers highlight changes from those provided at the public hearing on February 8, 2006.

In fact, there are a few points that have only been settled in the last few hours, and are thus not reflected in the proffer set dated March 8. They will, however, be in the set that goes to the Board of Supervisors in the event the proposal is approved tonight. For the record, I will now ask the applicant's representative to affirm these items.

(Insert questions to applicant here.)

There are also some features of this proposal that have not changed, and I believe it important to mention two of those at this point, and then proceed to some examples of changes.

On December 6, 2004, the Board of Supervisors accepted the Planning Commission's recommendation to amend the comprehensive plan for the land at this site. The amendment provided for a transit-oriented development option, with specified densities for the core area nearest the station itself, and with less intense densities for those areas further away. The Comp Plan amendment also suggested a mix of land uses and building heights. This proposal is in conformance with the plan densities, mixed uses, and also building heights recommended in the Comprehensive Plan. Those aspects of the proposal have not changed since the public hearing.

Nor has the alignment of Vaden Drive extended changed. The alignment of Vaden Drive extended that the applicant proposes is in compliance with the Comp Plan. It's been suggested that the road be an extension of Circle Woods Drive, or that it be moved further into the site. Neither was done. Circle Woods is a stable residential community, to be protected. Making the roadway to the Vaden Drive bridge over I-66 a direct extension of Circle Woods Drive would have the effect of bisecting that community. Language to ensure against that is, I believe, in the transportation plan. In the same way, moving the Vaden Drive extension further into the MetroWest site would bisect that site with a four-lane road, rather than provide more narrow roadways within the center of the development, a very desirable feature of walkable community designs of the sort the Comprehensive Plan recommends for this site.

An area where there has been major change is phasing. Please refer to proffer 5b on pages 6 and 7. In a series of subparagraphs from Roman I through Roman VI, the applicant spells out first, when various high-rise buildings will have reached a substantial progress point in their construction,

and then when they will be finished. The buildings include two of the residential high-rise with first floor retail, and the first of the two proposed office towers. Note that these milestones are linked to the issuance of Residential Use Permits, proffered to be around the 500<sup>th</sup>, the 1000<sup>th</sup>, and the 1100<sup>th</sup> RUP. Since the age-restricted housing on the site is not the principal residential mix element for the transit-oriented design concept, it is excluded from this phasing. The applicant might build some, none, or all of the age-restricted housing first. If the applicant were to build all of the 368 age-restricted units early on, then total RUPs for the site would reflect that, for instance 500 would be 868 and so on. What counts here, though, is the building of market residential units for the site. These residents would provide the pool of participants in the TDM program, and thus be key to the TDM succeeding, also to the pool of potential rail commuters to live at the site, as well as those potentially both living and working on the site.

In this proffer 5, the applicant is now clearly committed to build each type of building for the proposed use mix, and to do so in a specified relationship to the market residential units proposed for the site. When the office has been completed and is up for lease, there will also be residential units being built, so that employees of office tenants will have the option to live on the site – and there is provision in the TDM program to market the space to those people. Also, during the period when the onsite mix has not yet been completed, there is provision in the TDM program for interim retail arrangements such as a convenience store and delivery services to residents. This allows the grocery to be built and marketed late in the progression, assuring the maximum presence of onsite residents as the grocery space is being marketed for lease.

The nature and square footage of retail space was another area of comment. Please refer to proffer 5(c) (A) on pages 9 and 10. The grocery is now defined as one which provides, at a minimum, foodstuff and household supplies, and to occupy from 15,000 to 30,000 square feet of space, not including any mezzanine. I was provided with a list of example grocery stores in our area which are in that size range. I don't want to get into brand names, but the stores are in places like Georgetown, Annapolis, Baltimore and Charlottesville.

Another change in the proffer commitments is that the applicant now proffers to an extended period of marketing the retail space that is not proffered on the site, to give better assurance that more than the proffered

retail will be provided. Incidentally, I would like to note that the TDM plan has the flexibility to function with differing outcomes in this range of mix scenarios.

There were other concerns expressed in the general area of space use and design in this application, and I would like to touch on a few.

This application features an unusually high number of Affordable Dwelling Units, or ADUs. There are a total of 140, comprised of 79 to be provided according to the ADU formula contained in the Zoning Ordinance, and 61 to replace the original number of units on the Fairlee tract. In the event that the developer builds fewer than the total residential units now planned, the 79 formula-based units would be proportionately reduced as well. But the 61 ADUs are a constant per the comprehensive plan, and will be provided regardless of any residential reduction.

The Comprehensive Plan also calls for at least 35% open space on the site, and the applicants' design exceeds that requirement. In computing open space, the parking lot for the public building was not counted. The public building is not counted as retail space, either. It fits in a category which includes retail, institutional and other uses; it is an institutional use.

A number of concerns were expressed about the total amount of tree save and tree plantings on the site. Given the nature of the design as a dense, transit-oriented development, the applicants have complied with the ordinance requirements, but have not gone beyond that. What may need to be examined here is the ordinance itself. Changing the ordinance, however, will very likely require enabling legislation from the State.

Now to transportation proffers. I mentioned earlier that Vaden Drive extended will continue to follow the route shown on the CDP/FDP at the public hearing. Among the changes made in the proffers, however, is a small but potentially significant one which appears in Proffer 6, Transportation, on page 15. That change specifies, in Roman II, a slower design speed for Vaden extended of 25 miles per hour, if approved by VDOT. Although the extension will carry traffic through between Virginia Center Boulevard and Lee Highway as well as feeding the site itself, it will be made as safe as possible for pedestrian traffic from communities west of the site. And, as indicated on the plans and in the proffers, there are

provisions for crossing lights with pedestrian phases at key intersections including Vaden extended.

Vaden Drive extended and Saintsbury are two major public road improvements that the applicant will be required to make on the site. On completion, both will become public roads in the VDOT system. In that respect this site is unlike others where mixed use transit-oriented development is proposed in Fairfax County. I asked staff what the cost of these improvements might be, and was informed that it would total about 9 million dollars. This work will be done very early in the buildout process at the site. The applicant is also committed to design and build a public building on the site, with the dedication of the building to take place by the issuance of the 400<sup>th</sup> Residential Use Permit. Those were major factors in specifying the points at which erection of the high rise buildings on the site will begin. The applicant may recover some of the public improvement costs by building and selling residential on the site as quickly as possible. The quickest units to build and sell would be the townhomes and garden-style apartments, and that is where the applicant intends to begin the proposed development. This approach will provide a better capital position for the necessary front end costs of the high rise buildings.

Two points need to be made about the traffic analyses which were done for this application. First, the applicant did indeed produce an addendum to the original traffic study, which took into account the added traffic demand from Covington Square, the recently approved development southeast of the MetroWest site. Second, the applicant did indeed study the impacts from the development up Nutley into the town of Vienna. In those analyses, it was found that most of the traffic impact from the development will be from I-66 to the south, rather than in the direction of the Town of Vienna. The expected Vienna traffic from the MetroWest development was such a small fraction of the total traffic on the roads investigated that further study was not considered justified.

Lastly in the transportation area, the applicant has made changes showing more attention to bicycle transport. Specifically, there will now be a proffer providing funds for helping to create a bicycle map of the general area around the MetroWest site, so that projects to fill in missing links on bicycle routes can be undertaken. On the site itself, the applicant has doubled the number of bicycle racks to be provided, and I understand the applicant has

checked the “bikeability” of the site by performing a sort of level of service analysis for bicycles, with good results.

Proffer 7 deals with Transportation Demand Management, or TDM. This proffer has only editorial changes. Two points need making about the TDM proffer. First, there have been comments about the study done by the consultant UrbanTrans, which confirmed that the TDM goals are feasible if the site is designed as planned and the mix of uses is achieved. In the study, the consultant used census data to help form a picture of the present conditions at and around the site. A comment is that the number of drivers estimated in this part of the study, using that data source, is understated. Since the number of expected vehicle trips generated at the site after development was not based on this figure, any difference of estimation in the number of drivers does not invalidate the final figures for peak hour trips to and from the development, and thus does not invalidate the consultant’s conclusions. Second, it was stated that the office use at the site would be put at a competitive disadvantage by the need to meet a TDM goal. At the time the Planning Commission recommended adoption of the plan amendment leading to this proposal, the Commission in a follow-on motion recommended to the Board of Supervisors that TDM be undertaken on a county-wide basis. I am glad to report that this is now in train. Commercial space in comparable locations all over the county will be asked to carry out TDM programs; thus the office here will be on the same footing as others.

An area in which there has been both change and stability since the public hearing is that of parks and recreation.

The site borders East Blake Lane Park; those seeking to walk among trees can in a few steps be on the connector trail, a very pleasant walk that my wife and I have taken. More active recreation can be had on a fitness “loop” that the applicant now proffers, see proffer 10(b) at the top of page 44. There will be two exercise stations on the 1.3 mile loop, and with Park Authority approval there will be distance markers as well.

At the public hearing, the statement was made that Nottoway Park is a car drive away. I went to the site, and walked from the Metro kiosk on the south side of the station to Nottoway Park. I was well into the park in about 15 minutes’ time. On a bike, of course, the time would be much shorter; the Fairfax Connector trail leads directly there and the crossing at Virginia Center Boulevard is protected with a countdown pedestrian phase.

There was also much comment about the open space at the site. The applicant has prepared some visuals which show how the open spaces would fit on the oval behind this building, with which we're all familiar. Please refer to the color images in the handout package.

In response to concerns about the development's impact on organized sports, the applicant has now proffered a sum of money for use in improving nearby athletic fields. Refer to proffer 10e on page 44. The sum of 750 thousand dollars will be provided to the Board of Supervisors, and disbursed to improve a selected field or fields in the vicinity.

One more aspect of this proposal in the general area of recreation needs to be addressed. The comprehensive plan calls for a public building to be built on the site, on land dedicated in fee simple to the county. Among other uses, the building is to have space for recreation. I asked the county CRS to provide examples of recreational activities now going on in other county buildings comparable to this one. Please refer to the sheet they provided in your handout package to see their examples. Please note that they will be open and accessible to the public on and around the site, including our growing population of senior citizens.

While a central feature of the public building is a gymnasium with a basketball court, it is apparent from the examples that many other recreation activities can go on, on a year-round basis, in this building. Also, its location in this part of the Providence District will help avoid impacts from this development to the Town of Vienna community center and rec facilities.

At the same time, the location will enable a very significant public use for the building – a police satellite office. This part of Providence is at a maximum point of distance from both the McLean and the Fair Oaks police stations. The facilities here will enhance the police presence on the site, which I believe to be extremely important.

Although there were suggestions that the building be eliminated and the funds used for various purposes, the public building remains a feature of this proposal.

I must now ask you to flip backwards in the proffers to page 12, where non-office, non-residential uses on the site are being defined. Roman IX on that



page discusses commercial off-street parking as a use. Please note the new passage stating that in no event shall the temporary use of a building site for parking delay the start of construction for the primary use approved for the building site.

That passage is, I believe, responsive to concerns about both phasing and parking. Commuters will continue to need to access the Vienna Metro station during and after the buildout of this development. Many will come from offsite in cars. While there is no reason not to use some of the site space for parking while other parts of it are being built up, it is important that such use not delay the buildings in the core area. This addition to the proffers addresses that concern.

Meanwhile, though, work continues on a third Metro parking garage at the site, and the county is at work establishing a satellite parking capability for the site. I will have a follow-on motion on that topic tonight.

On the subject of Metro, citizens expressed concern about Metro capacity. Metro maintains that the line will be able to handle the added passengers from the proposed development. I continue to believe that a reliable source of funding is key to a dependable future Metro system, and will also offer a motion on Metro tonight.

Proffer 14 on pages 50 and 51 presents some points worth mentioning, as this area was the subject of some citizen concerns. First, as you know, the PFM provisions for stormwater management were recently amended. Please note in proffer 14A that the applicant proffers to the “detention method” on the site. The detention vaults will provide the mandatory water quantity controls for the site, as required by the PFM. In addition, the applicant proffers LID facilities as described on the plans. These LID facilities will provide additional flow reduction for the site over and above that provided by the vaults. Because LID facilities are a relatively new technology, the applicant has volunteered to provide monitoring as part of the overall proffer. The monitoring will enable us to measure the actual effect of the LID facilities, an opportunity we have not previously had, yielding some direct data on how the LID features perform. But the main burden will be borne by the detention vaults, which by requirement will protect against continued excessive downstream erosive force from the site.

Many citizen concerns focused on the schools aspect of the proposal. I asked the FCPS to review and consider the concerns, and received in response a paper addressing them, which is in your package. I believe it speaks to the points made by citizens about the schools impact of this application. It has been provided to the Town of Vienna, to the president of the Marshall Roads PTA, and is posted on the Providence District website. The only point I would like to make here about schools is that the formula worked out as part of the residential development criteria for all residential development applications must be applied uniformly. To suspend it for one particular application, and ask for more – or for that matter, for less – in cash proffers would be an unfair, arbitrary act.

I would like to conclude with these thoughts. For such Districts as Providence, the past growth idiom of detached residential separated from both employment centers and retail no longer serves everywhere. If you compare the total number of single-family attached and multifamily residential to that of single family detached even county-wide, you will find that as of a couple of years back, there are more towns and multi-family structures than traditional single family homes. Clearly we are now thicker on the ground. But further, as more people look West for housing, we encounter more and more pass-through traffic on our roads. I remember when what was then called the Shirley Highway was the last word in rapid road transport to and from the South. Ever since, more and more lanes have been added, resulting eventually in wider and wider traffic jams. Now, the same pressures are at play with I-66. If something doesn't change, the same results will follow.

This proposal envisions such a change. Build up, not out. But put the density at a transit site, so that a proportion of the people who live there can have a non-car option for getting to and from work. And don't stop there. Add a strong TDM program to help manage road commute traffic on the demand side through other means as well. While you're about it, make the development dense enough to support a range of good onsite retail, so that residents don't have to get in cars to go shopping for common goods and services.

For the reasons outlined, Mr. Chairman, I will now move that the Planning Commission recommend approval of the MetroWest application. I have first, 15 motions for the application itself. Then I have three follow-on motions.

I move that the Planning Commission recommend approval of RZ 2003-PR-022 and the Conceptual Development Plan, subject to the proffers consistent with those now dated March 8, 2006.

I move that the Planning Commission approve FDP 2003-PR-022, subject to the Board's approval of RZ 2003-PR-022 and the Conceptual Development Plan.

I move that the Planning Commission recommend that the 600-foot maximum length of private streets be waived.

I move that the Planning Commission recommend that the loading space requirement for multifamily dwellings and office be modified to that shown on the CDP/FDP.

I move that the Planning Commission recommend that the transitional screening and barrier requirements along that portion of the southern property line where the proposed community building abuts multifamily and single-family attached dwellings be modified to the landscaping and barrier shown on the CDP/FDP.

I move that the Planning Commission recommend that a variance of the front yard fence height limitation of four (4) feet be approved to permit a seven (7) foot tall barrier fence with eight (8) foot tall piers, located generally along the common property line shared by the subject site and the abutting Circle Woods communities in the locations as shown on the CDP/FDP.

I move that the Planning Commission recommend that the 200-square foot privacy yard requirement for the rear-loaded single-family attached dwellings be waived.

I move that the Planning Commission recommend that the minimum planting area for those locations shown on the CDP/FDP be modified to that shown on the CDP/FDP and as described in the proffers.

I move that the Planning Commission recommend that the service drive requirement along the site's Lee Highway frontage be waived.

I move that the Planning Commission recommend that the Board approve the PFM waiver to locate underground detention facilities in a residential area, subject to Waiver #8625-WPFM-001-1 Conditions dated December 5, 2005.

I move that the Planning Commission recommend that the Board modify Additional Standard One of Sect. 9-306 of the Zoning Ordinance to permit a reduction in the minimum age requirement in the elderly housing units from 62 to 55 years of age.

I move that the Planning Commission recommend approval of SEA 82-P-032-5, subject to the development conditions dated January 18, 2006.

I move that the Planning Commission recommend that the transitional screening requirements along all boundaries be modified to permit the existing landscaping along all boundaries of the SEA area.

I move that the Planning Commission recommend that the barrier requirement along all boundaries of the SEA be waived.

I move that the Planning Commission recommend that the interior parking lot landscaping requirement for the existing parking structure be waived.

Mr. Chairman, that completes the motions on the application. I now have three follow-on motions to make.

First, I move that the Planning Commission reaffirm its recommendation to the Board of Supervisors that the County explore and implement any changes or additions to policy which support assurance that Metro will have the resources needed to operate, maintain and as necessary expand those facilities serving Fairfax County, with the objective of continued future underpinning of County Transit Station Area land use policies.

Second, I move that the Planning Commission reaffirm its recommendation to the Board of Supervisors that the County devote particular emphasis to a review with the Virginia Department of Transportation of plans and priorities for road network improvements on all roads impacted by the implementation of Transit Station Area land use policies.

Third and finally, I move that the Planning Commission recommend to the Board of Supervisors that the County explore and implement any changes or additions to policy which will support continued future access to County Metro stations by commuters who do not live within walking distance but want to use Metro. Such measures might include not only provisions for the physical means of access but also for the public education and incentive programs required to help ensure their broadest use.